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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Rufino Alejandro SANDOVAL-Morales Defendant.	Mag. Case No. '08 MJ 8009 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Deported Alien Found In the United States

The undersigned complainant being duly sworn states:

On or about January 7, 2008, within the Southern District of California, defendant Rufino Alejandro SANDOVAL-Morales, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

MICHAEL MIKUSKI
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9th DAY OF JANUARY 2008.

PETER C. LEWIS
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Rufino Alejandro SANDOVAL-Morales

STATEMENT OF FACTS

The complainant states that this complaint is based upon the statements of the apprehending Border Patrol Agent, Christian Perez, that Rufino Alejandro SANDOVAL-Morales was found and arrested on January 7, 2008 west of Calexico, California.

Agent Perez was performing his assigned Border Patrol duties approximately seven miles west of Calexico, California. Agent Perez encountered six individuals, one later identified as Rufino Alejandro SANDOVAL-Morales. Agent Perez identified himself as a Border Patrol Agent and questioned SANDOVAL and the other individuals as to their immigration status to be in the United States. They all stated they are citizens of Mexico and illegally in the United States. SANDOVAL and the other six individuals were placed under arrest.

Record checks revealed that an Immigration Judge ordered SANDOVAL deported to Mexico from the United States on January 31, 2007. Record checks also revealed that SANDOVAL has a criminal record.

Agent Gutierrez read SANDOVAL his rights as per Miranda. SANDOVAL stated he understood his rights and was willing to answer questions without the presence of an attorney. SANDOVAL stated he was a citizen of Mexico. SANDOVAL stated he last entered the United States by walking across the U.S./Mexico International Boundary. SANDOVAL admitted he had been deported. SANDOVAL stated his intentions were to travel to Tri Cities, Washington, to live and work.

There is no evidence RAMIREZ has sought or received permission from the Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States.